

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 07-C-316

v.

MENOMINEE TRIBAL ENTERPRISES,
MARSHALL PECORE,
and CONRAD WANIGER,

Defendants.

ORDER

The parties appeared on May 28 for a telephonic status conference. Part of that conference involved the parties' need for additional discovery. The government had previously filed a motion requesting the ability to respond to expert opinions and other evidence that was disclosed after the discovery cutoff date. I indicated at the hearing that my inclination was to allow the government the ability to conduct limited discovery targeted towards responding to the late disclosures. For example, the government will be allowed to depose Mr. Sloan, the Defendants' expert, whose report was disclosed after the appropriate date.

A separate issue arose upon Defendants' counsel's request for additional discovery. At the close of the hearing, I directed counsel to supply the Court with his proposal for additional discovery. The government has now responded to that proposal. I conclude that additional discovery would not be appropriate at this time. The Defendants have ably set forth their desire for additional discovery regarding the extent of the work that was done under the relevant contracts, but they have not persuaded me that there is any legal justification for such a request. I am sympathetic to their protest that they are individuals of limited means standing against the government and its extensive resources. But that is true of countless defendants, both civil and

criminal, and of course these Defendants were not on their own prior to the discovery cutoff. (MTE was not dismissed as a party until this year.) There has largely been no explanation for why the discovery now sought could not have been obtained sooner – i.e., before the discovery cutoff date last year. And, as the government notes, any additional discovery would likely put off the trial even further, when all parties would agree that this case is long overdue for resolution. Accordingly, the request for additional discovery is denied.

SO ORDERED this 15th day of June, 2009.

s/ William C. Griesbach
William C. Griesbach
United States District Judge